



**U.S. Department of Justice**  
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*Western District of New York*

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# PRESS RELEASE

April 7, 2005

**RE: UNITED STATES v. RICHARD PETIX**

United States Attorney Michael A. Battle announced today that a Criminal Complaint was filed charging Richard Petix, age 20, of 73 Virginia Manor Road, Rochester, New York, with receiving and distributing child pornography by computer, in violation of Title 18, United States Code, Section 2252A(a)(2)(A), which carries a maximum penalty of 20 years imprisonment, a fine of \$250,000.00, or both, and with possessing child pornography, in violation of Title 18, United States Code, Section 2252A(a)(5)(B), which carries a maximum penalty of 10 years imprisonment, a fine of \$250,000.00, or both. It should be noted that the fact that a defendant has been charged with a crime . . . is merely an accusation and the defendant is presumed innocent until and unless proven guilty. (**Disciplinary Rule 7-107(B)(6)**).

Assistant U.S. Attorney Tiffany H. Lee, who is handling the case, stated that it is charged that on March 1, 2005, Petix, during an Instant Messaging conversation with an undercover agent, offered to trade child pornography with the agent. Specifically,

Petix agreed to grant the agent access to his fileserver, which contained child pornography, if the agent agreed to send Petix a child pornography video.

Subsequently, on April 1, 2005, law enforcement officers executed a search warrant at the home of Petix and seized many items including computers. During an interview with law enforcement agents on April 1, 2005, Petix indicated that most of the child pornography on his computer came from Internet Relay Chat (IRC) Channels and that he had about 1,000 images and 150 movies downloaded related to child pornography on his computer. Petix further indicated that he had a server that was posted on the IRC and that he gave people access to his server. Individuals would send him images which he kept and the individuals could download and upload images from his computer.

The Complaint was the culmination of an investigation on the part of the Federal Bureau of Investigation, under the direction of Special Agent in Charge Peter Ahearn, and the Bureau of Immigration and Customs Enforcement, under the direction of Special Agent in Charge Peter Smith.

A detention hearing is scheduled for Friday, April 8, 2005, at 3:00 p.m. before the Honorable Marian W. Payson, United States Magistrate Judge.

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